

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SIGHTLINE PAYMENTS, LLC, Plaintiff, v. EVERI HOLDINGS INC., EVERI PAYMENTS INC., EVERI GAMES HOLDING INC., and EVERI GAMES INC., Defendants.	Case No.: 6:21-cv-01015-ADA JURY TRIAL DEMANDED
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**DECLARATION OF MARK F. LABAY IN SUPPORT OF DEFENDANTS' MOTION TO
DISMISS OR TRANSFER FOR LACK OF VENUE PURSUANT TO 28 USC §1406(A)
OR, ALTERNATIVELY, TRANSFER PURSUANT TO 28 USC §1404(A)**

I, Mark F. Labay, hereby declare as follows:

1. I am Mark F. Labay, Chief Financial Officer for Everi Holdings Inc. I have personal knowledge of the matters contained in this Declaration and am competent to testify regarding these facts if called upon to do so.

2. Everi Holdings Inc. ("Everi Holdings") is a Delaware corporation. As is the nature of a holding company, Everi Holdings does not conduct any business. Everi Holdings' annual meetings are held in Las Vegas, Nevada.

3. Everi Payments Inc. ("Everi Payments") is a Delaware corporation with its principal place of business in Las Vegas, Nevada.

4. Everi Games Holding Inc. ("Everi Games Holding") is a Texas corporation. As a holding company, Everi Games Holding does not conduct business, and does not sell the

CashClub Wallet (“Wallet”) Product. Everi Games Holding’s annual meetings are held in Las Vegas, Nevada.

5. Everi Games Inc. (“Everi Games”) is a Delaware corporation with its principal place of business in Texas. However, Everi Games also maintains a regular and established place of business in Las Vegas, Nevada.

6. Everi Holdings, Everi Payments, Everi Games Holding, and Everi Games are herein collectively referred to as the “Everi Entities” or “Everi.”

7. Although Everi Payments has a registered agent located in Austin, Texas, Everi Payments does not own, rent, or lease property anywhere in the State of Texas.

8. The Wallet Product is owned and controlled by Everi Payments. Everi Payments is the only entity that sells the Wallet Product, and none of those sales have been directed to or otherwise reached the State of Texas. Everi Payments does, however, sell the Wallet Product in Nevada.

9. The Everi Payments Wallet Product has never been sold, deployed, or operated anywhere in the State of Texas.

10. Everi’s source code for the Wallet Product, as well as all financial information and customer information for the Wallet Product, is all located in Nevada.

11. Kirk Sanford (“Sanford”) is an original founder of Sightline Payments, LLC (“Sightline” or “Plaintiff”), the Plaintiff in this case. Sanford served as CEO of Sightline until his retirement, which was announced on December 9, 2020. Sanford currently lists himself on LinkedIn as Chairman and Co-Founder of GamePlus Inc., headquartered in Las Vegas, Nevada.

12. Upon information and belief, Sanford still maintains a residence and resides in the Las Vegas, Nevada area. Sanford was the lead inventor of the Asserted Patents Sightline alleges are infringed by the Wallet Product in this case.

13. Prior to founding Sightline, Sanford served as CEO of Defendant's predecessor company Global Cash Access Holdings Inc. until his resignation in July of 2007. In August of 2015, Global Cash Access Holdings Inc. rebranded to Everi Holdings.

14. Everi is not aware of any Plaintiff witness who reside in this district.

15. I currently live in Nevada, and do not regularly travel to Texas. I have no interest in travelling voluntarily to Texas in order to provide testimony in any trial or other proceeding in this matter.

EXECUTED this 24th day of November 2021.



Mark F. Labay